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7 UNITED STATES DISTRICT COURT
8 DISTRICT OF NEVADA
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10 JEMAR MATTHEWS,

11 Petitioner,

12 vs.

13 DWIGHT NEVEN, *et al.*,

14 Respondents.
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)
) Case No. 2:14-cv-00293-APG-CWH
)
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ORDER

16 This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254,
17 by a Nevada state prisoner. Neither a filing fee nor an application to proceed *in forma pauperis* was
18 submitted with the petition. When filing a habeas corpus action, petitioner must either submit the
19 \$5.00 filing fee for habeas petitions or an application to proceed *in forma pauperis*.
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21 Due to the lack of an *in forma pauperis* application or filing fee, the present action will be
22 dismissed without prejudice to the filing of a new petition in a new action with a pauper application
23 with all required attachments. It does not appear from the papers presented that a dismissal without
24 prejudice would result in a promptly-filed new petition being untimely. In this regard, plaintiff at all
25 times remains responsible for calculating the running of the limitations period as applied to his case
26 and properly commencing a timely-filed habeas corpus action.

1 **IT THEREFORE IS ORDERED** that this action is **DISMISSED** without prejudice to the
2 filing of a new petition in a new action.

3 **IT FURTHER IS ORDERED** that the Clerk of the Court **SHALL SEND** petitioner two
4 copies of an *in forma pauperis* application form for a prisoner, one copy of the instructions for the
5 same, two copies of a blank 28 U.S.C. § 2254 habeas petition form, and one copy of instructions for
6 the same.

7 **IT IS FURTHER ORDERED** that petitioner may file a new petition in a new action, but he
8 may not file further documents in this action.

9 **IT IS FURTHER ORDERED** that the Clerk of the Court shall enter judgment accordingly.

10 **IT IS FURTHER ORDERED** that a certificate of appealability is **DENIED**. Reasonable
11 jurists would not find the dismissal of the improperly-commenced action without prejudice to be
12 debatable or wrong.

13 Dated this 3rd day of March, 2014.

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16 UNITED STATES DISTRICT JUDGE